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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,951	01/06/2006	Kwang-chul Choi	P29108	3579
7055 7590 03/18/2008 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER CHOI, JACOB Y	
			ART UNIT 2885	PAPER NUMBER
			NOTIFICATION DATE 03/18/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/563,951	<b>Applicant(s)</b> CHOI, KWANG-CHUL	
	<b>Examiner</b> JACOB Y. CHOI	<b>Art Unit</b> 2885	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>27 April 2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on April 27, 2006 was fully considered by the examiner.

### ***Specification***

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Response to Amendment***

Examiner acknowledges that applicant has amended claims 1-5, 7, and 8. Currently, claims **1-8** are pending in the application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Note:** Claims in a pending application should be given their broadest reasonable interpretation. *In re Pearson*, 181 USPQ 641 (CCPA 1974).

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Things clearly shown in reference patent drawing qualify as prior art features, even though unexplained by the specification. *In re Mraz*, 173 USPQ 25 (CCPA 1972).

It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

A recitation of the intended use (e.g., “a road guardrail”) of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claims **1-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over S.A. Eskilson (USPN 1,719,602) in view of Kochanowski (USPN 6,029,382).

Regarding claim **1**, S. A. Eskilson discloses a light reflecting body (e.g., Figures 1-2) formed with a reverse trapezoidal valley (e.g., 14) inside of the light reflecting body (e.g., 1) in a longitudinal direction (e.g., Figures 1-2), and formed with inclined surfaces (e.g., 14) that close front (e.g., 6) and rear ends (e.g., 11) of the reverse trapezoidal valley at the at the front (e.g., 6) and rear ends (e.g., 11), light reflecting plates (e.g., 12, 14) formed on a bottom surface and lateral sides (e.g., column 2, lines 40-95; “... reflector 12 is provided around its side and end edges with rearwardly extending flanges 14”) of the reverse trapezoidal valley, and a transparent cover (e.g., column 2, lines 70-95; “... the reflector consists of glass the front face of which is plane”), installed on an upper side of the light reflecting body (e.g., 12, 14), that covers a space defined by the reverse trapezoidal valley and the front (e.g., 6) and rear (e.g., 11) inclined surfaces (e.g., Figure 2), the transparent cover (e.g., 6) including a substantially flat inner surface (e.g., Figure 2).

Eskilson failed to teach the details of a mirror surface plating of one of a light reflecting tape attached on the inclined surface and fluorescent paint-coated on the inclined surfaces.

Kochanowski teaches the mirror surface plating (e.g., column 10, lines 15-35; “... *use of fluorescent pigments in support member 309, side wall 308, face member 302, and/or back member 304 adds to the conspicuity of sign 300*”), a light reflecting tape attached on the inclined surface or fluorescent paint coated on the inclined surface (e.g., column 10, lines 15-35; “... *it can be used to excited the fluorescent pigment to do specific tasks, including ... light up the outline of the entire sign*”) within the similarly designed road sign.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize well-known mirror surface plating such as a light reflecting tape or a fluorescent paint coating as suggested by Kochanowski. The modification is desirable to increase the visual appearance of the sign. Thus, the reconstruction would have been obvious.

Regarding claim 2, Eskilson in view of Kochanowski disclose the claimed invention, explained above. In addition, Eskilson discloses the cube is provided with a plurality of protrusions (e.g., 13) protruded from the bottom surface thereof.

Regarding claims 3 and 6, Eskilson in view of Kochanowski disclose the claimed invention, explained above. In addition, Kochanowski discloses the light reflecting body

is provided with an inserting protrusions (e.g., Figures 16-18) at a side thereof, and is formed with an inserting recess in which the inserting protrusions of adjacent another light reflector is inserted, at the other side of the light reflecting body.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to duplicate the sign (e.g., Figure 4 of Eskilson) and provide needed mounting means of Kochanowski, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Thus, the modification is desirable to subsequently include the mounting means to connect multiple signs side by side.

Regarding claims 4, 5, 7, and 8, Eskilson in view of Kochanowski disclose the claimed invention, explained above. In addition, Kochanowski discloses an upper surface of the transparent (e.g., column 9, lines 40-50; "... *side wall 308 and support member 309 are transparent*") cover (e.g., 308, 301, 302) is coated with a well-known transparent static electricity preventive materials (e.g., column 10, lines 15-35; "... *Side wall 308, as well as support member 309, face member 302 and back member 304, can be provided with an exterior finish such that they can also act as light pipes 311 to ignite the optical prescriptions*").

It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the transparent cover to further enhance the visual appearance of the sign. Thus, the reconstruction is desirable.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACOB Y. CHOI whose telephone number is (571)272-2367. The examiner can normally be reached on Monday-Friday (10:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on (571) 272-7044. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jacob Y Choi  
Primary Examiner  
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JC

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